SUPREME COURT, U. S.
FILED
MAR 26 1968
JOHN F. DAVIS, CLERK

Nos. 1118, 1119

In the Supreme Court of the United States

OCTOBER TERM, 1967

SIDNEY ELLIOTT, ET AL., PETITIONERS

v.

FEDERAL HOME LOAN BANK BOARD, ET AL.

N. JOSEPH ROSS, PETITIONER

v.

FEDERAL HOME LOAN BANK BOARD, ET AL.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR THE FEDERAL HOME LOAN BANK BOARD AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
EDWIN L. WEISL, Jr.,
Assistant Attorney General,
CARL EARDLEY,
JOHN C. ELDRIDGE,
LEONARD SCHAITMAN,
Attorneys,
Department of Justice,
Washington, D.C. 20530.

ALAN J. MOSCOV,
General Counsel,
MAX WILFAND,
Deputy General Counsel,
Federal Home Loan Bank Board,
Washington, D.C. 20552.

INDEX

	Page
Opinions below	1
Jurisdiction	2
Questions presented	2
Statutes and regulation involved	2
Statement	4
Argument	8
Conclusion	15

CITATIONS

Cases:

Adams v. *Nagle*, 303 U. S. 532	11
Adams v. *United States Distributing Corp.*, 184 Va. 134, 34 S.E. 2d 244	10
Bridgeport Fed. Sav. & L. Ass'n. v. *Federal Home Loan Bank Board*, 307 F. 2d 580	11
Clarke v. *Gold Dust Corp.*, 106 F. 2d 598, certiorari denied, 309 U.S. 671	11
Fahey v. *Mallonee*, 332 U.S. 245	12
Federal Home Loan Bank Board v. *Rowe*, 284 F. 2d 274	11
J. I. Case Co. v. *Borak*, 377 U.S. 426	12
Langfelder v. *Universal Laboratories*, 68 F. Supp. 209, affirmed, 163 F. 2d 804	11
Mississippi Valley Barge Line Co. v. *United States*, 292 U.S. 282	11
Rochester Tel. Corp. v. *United States*, 307 U.S. 125	11
Securities and Exchange Commission v. *Chenery Corp.*, 332 U.S. 194	11

294 679—68——1

Cases—Continued

	Page
Society for Savings v. *Bowers*, 349 U.S. 143	13
Southern Pacific Co. v. *Bogert*, 250 U.S. 483	12
Windhurst v. *Central Leather Co.*, 105 N.J. Eq. 621, 153 Atl. 402	10

Statutes and regulations:

Home Owners' Loan Act of 1933, as amended:	
Section 5(d)(2), 12 U.S.C. 1464(d)(2)	2, 8
Section 5(i), 12 U.S.C. 1464(i)	9
Public Law 89–426, 80 Stat. 143	14
Public Law 89–695, 80 Stat. 1035	2
5 U.S.C. (Supp. II) 554	11
California Financial Code:	
Section 9203	3
Section 9204	3
Section 9205	3
12 C.F.R. 546.4	3, 8, 9
31 Fed. Reg. 15235 (December 6, 1966), corrected in 31 Fed. Reg. 15569 (December 10, 1966)	9

Miscellaneous:

H. Rep. No. 2083, 86th Cong., 2d Sess.	8
1965 Savings and Loan Fact Book of the United States Savings and Loan League	6
Scott and Hester, *Conversion of Mutual Savings and Loan Associations to Stock Form: Legal and Economic Issues* (Federal Home Loan Bank Board, December 1967)	14

In the Supreme Court of the United States

OCTOBER TERM, 1967

No. 1118

SIDNEY ELLIOTT, ET AL., PETITIONERS

v.

FEDERAL HOME LOAN BANK BOARD, ET AL.

No. 1119

N. JOSEPH ROSS, PETITIONER

v.

FEDERAL HOME LOAN BANK BOARD, ET AL.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR THE FEDERAL HOME LOAN BANK BOARD AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION IN OPPOSITION

OPINIONS BELOW

The memorandum opinion of the United States District Court for the Southern District of California, Central Division (Elliott Pet. App. I),[1] is reported

[1] "Elliott Pet." and "Ross Pet." refer to the petitions in Nos. 1118 and 1119, respectively. "R." and "Exh." refer, respectively, to the certified transcript of the record and to the exhibits